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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,440

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Osamu Kobayashi

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BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

08/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,440	Applicant(s) KOBAYASHI, OSAMU	
	Examiner PHUONGCHAU BA NGUYEN	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,12,13,17,18,23,24,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 3-5,8-11,14-16,19-22,25-27 and 30-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The abstract of the disclosure is objected to because “the blanks and Attorney Docket No:” on pages 1–2 or paragraph [0001] should be deleted from the specification and replaced with an U.S. Patent Application Serial Numbers. Correction is required. See MPEP § 608.01(b).

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1–2, 6–7, 11, 12–13, 17–18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelton (US 2004/02033 A1).

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Regarding claims 1, 12,

Kelton discloses a method of real time optimizing transmission of a number of multimedia data packets between a multimedia source device (data source 110, fig.1) and a multimedia display device (first device 160, fig.1) coupled by way of a unidirectional main link (first channel 150-fig.1) arranged to carry the multimedia data packets from the multimedia source device and the multimedia display device and a bi-directional auxiliary channel (second channel 155-fig.1) arranged to transfer information between the multimedia source device and the multimedia display device, comprising:

providing a test pattern (test data packet, 0037) by the multimedia source device 110-fig.1 on the main link 150-fig.1;

determining a transmission quality factor (current channel reliability) of the main link 150-fig.1 based upon the test pattern (test data packet, see 0037); and

optimizing (adjusting) the transmission of the multimedia data packets (coding rate, bit per symbol to carriers) based upon the transmission quality factor (identifier channel reliability, see 0037).

Regarding claims 2, 13, Kelton further discloses wherein the determining a transmission quality factor comprises: determining (identifying) a bit error rate (BER, 0037) based upon the test pattern by the multimedia display device; sending the bit error rate (acknowledge, 0037) to the source device 110-fig.1 by way of the auxiliary channel 155-fig.1 (also see 0041).

Regarding claims 6, 17, Kelton further discloses wherein the bi-directional auxiliary channel 155-fig.2 is formed of a uni-directional back channel configured to carry information from the display device 170-fig.2 to the source device 110-fig.2 and a unidirectional forward channel included as part of the main channel 155-fig.2 for carrying information from the source device 110-

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fig.2 to the display device 170–fig.2 in concern with the back channel 155–fig.2 (0051).

Regarding claims 7, 18, Kelton further discloses wherein the number of multimedia data packets are divided into a number or associated multimedia data packets streams (0057–0058, wherein transmitting the first set of data associated with the first device to the first device, and the second set of data associated with the second device to the second device; see also 0035).

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 23–24, 28–29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelton (US 2004/02033 A1).

Regarding claims 23, 24, 28, 29,

Kelton discloses all the claimed limitations as disclosed in the rejections to claims 1–2, 6–7, 12–13 & 17–18 as set forth, but not explicitly discloses computer program product comprising: computer code for providing, determining, optimizing and computer medium for storing the computer code.

However, Kelton further discloses data controller 115–fig.1 can be used to read data received over medium 105, thus the storage is inherent therein the data controller 115 from capable of receiving (0033); the data controller 115 further identifying (determining as claimed) a receiving device (0033); selecting and providing data (optimizing as claimed) correspondence to the control data returned from devices (0035). Therefore, it would have been obvious to implement Kelton's teaching in computer code storing on computer medium (software) as suggested for devices 162 in software or hardware, thus it is a common practice to implement to source device 110 in software or hardware

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with the motivation being to easy modify the instructions in software or computer code for updating process and cost saving.

Allowable Subject Matter

6. Claims 3-5, 8-11, 14-16, 19-22, 25-27, 30-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUONGCHAU BA NGUYEN whose telephone number is (571)272-3148. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUONGCHAU BA NGUYEN/
Examiner, Art Unit 2616